

DAC \$
#6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: COVINGTON, et al.
Serial No.: 09/705,252
Filed: November 2, 2000
For: Interactive In-Store/In-Mall and
Online Shopping System and
Method
Group Art Unit: (unknown)



) I hereby certify that this correspondence
) is being deposited with the U.S. Postal
) Service as First Class Mail in an
) envelope addressed to Assistant
) Commissioner of Patents,
) Box DAC-OFFICE OF PETITIONS
) Washington, DC 20231, on 9-12-01
) Merri C. Merrill
) Merri C. Merrill
)

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. § 1.47(a)

Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, DC 20231

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SEP 19 2001

Dear Sir:

OFFICE OF PETITIONS

Applicant hereby requests reconsideration of the petition under 37 C.F.R. § 1.47(a), filed on May 21, 2001, to make the above-identified application by all the joint inventors, except one, on behalf of the omitted co-inventor for reason that the omitted co-inventor refuses to join in the application.

Submitted herewith is a "Statement of Facts in Support of Filing on Behalf of a Non-Signing Inventor Under 37 C.F.R. § 1.47(a)" signed by Jim Barkley, General Counsel of Simon Property Group, L.P., along with documentation showing the efforts made to obtain Ms. Al-Shabkhoun's signature.

09/19/2001 GTEFFERA 00000001 101202 09705252

01 FC:122 130.00 CH

The petition fee of \$130 is submitted herewith. In the event that the attached check is unacceptable, is insufficient, or the check is inadvertently omitted, the Commissioner is hereby authorized to charge the required amount to the Jones, Day, Reavis & Pogue deposit account no. 10-1202. If the amount is in excess, please credit our deposit account no. 10-1202.

Respectfully submitted,

Mark

Mark V. Campagna
Reg. No. 42,380

Date: September 11, 2001

Jones, Day, Reavis & Pogue
77 West Wacker Drive
Chicago, IL 60601-1692
(312) 782-3939

Attorney Ref: 635482-625-014

The ~~PRO~~ did not receive the following
listed items (s) A Check of \$130.00

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: COVINGTON, et al.)
Serial No.: 09/705,252)
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Method)
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**STATEMENT OF FACTS IN SUPPORT OF FILING ON
BEHALF OF A NON-SIGNING INVENTOR UNDER 37 C.F.R. § 1.47(a)**

1. I, James M. Barkley, am the General Counsel of Simon Property Group, L.P., the assignee of the above-identified application. I make this statement of facts in support of a petition to accept the above-identified application with the omission of an oath or declaration signed by one of the joint inventors, Melanie Al-Shabkhoun, who refuses to sign an oath or declaration.

2. Inventor Melanie Al-Shabkhoun is a former employee of Simon Property Group or its affiliates who resigned her employment with said company on March 25, 2000. On information and belief, Ms. Al-Shabkhoun has a legal obligation to take all actions necessary to grant Simon Property Group title to the above-referenced application and invention and to all other inventions made by her during her employment with Clix'nmortar.com.

3. On January 19, 2001, I sent an additional copy of the patent application (including the specification, claims and drawings) and a Combined Declaration and Power of Attorney for

Patent Application ("Declaration") relating to the present application, prepared by the law firm of Jones, Day, Reavis & Pogue, to Ms. Al-Shabkhoun's home in Indianapolis, Indiana by Federal Express courier and requested that she review the patent application, sign the Declaration, and return the Declaration to my attention. I also instructed her to contact me either at my office or at my home (and provided telephone numbers for both) if she had any questions or concerns.

4. On January 22, 2001, Ms. Al-Shabkhoun called our office and spoke with my Administrative Assistant, indicating that she was out of the country and requesting that we send copies of the patent application and Declaration to Zurich, Switzerland to an address that she would furnish us shortly.

5. On January 23, 2001, Ms. Al-Shabkhoun called again and spoke with my Administrative Assistant and indicated that she would not have time to review any documentation during her stay in Zurich, that we should not send the patent application and Declaration to her at this time, and she would instead review the documentation when she returned to her home in Indianapolis, Indiana on either February 3, 2001 or February 4, 2001.

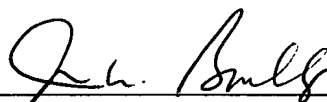
6. On Saturday, February 3, 2001, Ms. Al-Shabkhoun called me at my home and indicated that for personal and other reasons, she would not sign any papers in connection with the application. That was the last time I spoke to Ms. Al-Shabkhoun.

7. The last known address of Melanie Al-Shabkhoun is 7908 Westfield Boulevard, Indianapolis, Indiana 46240.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these

statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present application or any patent issued thereon.

Dated: August 28, 2001

By: 
James M. Barkley
General Counsel

SIMON
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August 9, 2001

Mark V. Campagna, Esq.
Jones, Day, Reavis & Pogue
77 West Wacker
Chicago, Illinois 60602

RE: Melanie Al-Shab

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SEP 19 2001

Dear Mark:

OFFICE OF PETITIONS

Enclosed per your e:mail request, enclosed you will find a signed affidavit (from your e:mail), various pieces of correspondence and a copy of the fed-ex air bill you requested in your e:mail.

Please let me know if you require additional information.

Sincerely,

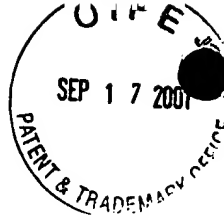
/s/ James M Barkley

James M. Barkley
General Counsel

Enclosures/tw

115 West Washington Street
Indianapolis, Indiana 46204
317.636.1600

shopsimon.com™



Attorney's Docket No. 635482.625.014

**ADDED PAGE TO COMBINED DECLARATION AND POWER OF
ATTORNEY FOR SIGNATURE BY ONE JOINT INVENTOR ON BEHALF OF
OMITTED INVENTOR(S) WHO REFUSE(S) TO SIGN OR CANNOT BE
REACHED (37 CFR 1.47(a))**

NOTE: Any available joint inventor can sign the declaration on behalf of one or more joint inventors who refuse to sign or cannot be reached. Use separate added page for each omitted inventor.

I. I am an above named joint inventor and have signed this declaration on my own behalf and also sign this declaration under 37 CFR 1.47(a) on behalf of the omitted joint inventor, particulars for whom are:

Full name of (first, second, etc.) Melanie A. Al-Shabkhoun (second inventor)
omitted inventor who

☒ refuses to sign

☐ cannot be found or reached

NOTE: The name of the omitted inventor(s) should preferably also be filled in at the appropriate prior space in the declaration adding the words "omitted inventor-completed on added page."

United States of America

Country of Citizenship of omitted inventor

7908 Westfield Blvd., Indianapolis, IN 46240, U.S.A.

Last known address of omitted inventor

NOTE: Ordinarily, the last known address will be the last known residence of the omitted inventor(s). Other addresses at which the omitted inventor(s) may be reached should also be given. These can best be given in the Declaration Of Facts In Support Of Filing On Behalf Of Omitted Inventor. MPEP § 409.03(e).

II. Accompanying this declaration is:

(1) A DECLARATION OF FACTS IN SUPPORT OF FILING ON BEHALF OF OMITTED INVENTOR

(2) THE PETITION FEE OF \$130.00 (37 CFR 1.17(h))

Robert D. Covington

(type or print name of joint inventor signing on behalf of omitted inventor)

Date: 5/14/01

(Signature of joint inventor signing on behalf of omitted inventor)

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(Added Page to Combined Declaration and Power of Attorney For Signature By One Joint Inventor on Behalf of Omitted Inventor(s) Who Refuse(s) to Sign or Cannot Be Reached [1-4])

NOTES TO FORM 1-4

ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR SIGNATURE BY ONE JOINT INVENTOR ON BEHALF OF OMITTED INVENTOR(S) WHO REFUSE(S) TO SIGN OR CANNOT BE REACHED (37 CFR 1.47(a))

1-4-1. "If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the omitted inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts and by the required fee (§ 1.17(h)) and must state the last known address of the omitted inventor. The Patent and Trademark Office shall forward notice of the filing of the application to the omitted inventor at said address. Should such notice be returned to the Office undelivered, or should the address of the omitted inventor be unknown, notice of the filing of the application shall be published in the Official Gazette. The omitted inventor may subsequently join in the application on filing an oath or declaration of the character required by § 1.63. A patent may be granted to the inventor making the application, upon a showing satisfactory to the Commissioner, subject to the same rights which the omitted inventor would have had if he or she had been joined." 37 CFR 1.47(a).

1-4-2. A *bona fide* attempt must be made to comply with the provisions of § 1.47. MPEP 409.03.

1-4-3. In addition to other requirements of law, an application filed in the PTO under 37 CFR 1.47(a) must meet the following requirements:

- (1) the § 1.47(a) applicant must (i) make the declaration on his own behalf and (ii) make the declaration on behalf of the omitted inventor;
- (2) the application must be accompanied by proof that the omitted inventor (i) cannot be found or reached after diligent effort or (ii) refuses to execute the application papers;
- (3) the last known address of the omitted joint inventor must be stated.

MPEP § 409.03(a).

Back in by on
2/3

1/22/01 Melanie
Called &

suggested we send to Zurich

1/23/01 Melanie called & said she would not
have time to review in Zurich, but would
review when she returns
on 2/3 & 2/4.

January 23, 2001

Ms. Melanie Al-Shabkhoun

RE: Clixnmortar

Dear Melanie:

Per our recent telephone discussion, I understand you were not in Indianapolis when the original package was delivered to your home and are now in Zurich, Switzerland on business. We appreciate your phone call to apprise us of this development and your willingness to accept delivery of the package in Zurich.

Enclosed is a duplicate copy of the package of documents and signature pages we originally sent to your home. We would appreciate your review of this material and your execution of the enclosed pages. Those can be returned to us in the enclosed, pre-addressed and prepaid Federal Express envelope.

Thank you again for your assistance. Please call me if you have questions.

Very truly yours,

James M. Barkley
General Counsel

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OFFICE OF PETITIONS

JMB/ba
encl.
8445



SIMON
PROPERTY GROUP

January 19, 2001

Via Federal Express - Saturday Delivery

Ms. Melanie Al-Shabkhoun
7908 Westfield Boulevard
Indianapolis, Indiana 46240

RE: Clixnmortar

Dear Melanie:

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SEP 19 2001
OFFICE OF PETITIONS

During your employ with SPG, you and others worked on products and processes which related to interactive in-store and in-mall shopping systems and methods. In order to protect the company's rights in those methods and processes, SPG filed in November of last year an application for Letters Patent of the United States.

As you may be aware, part of the process to obtain the patent calls for those individuals who were involved in the creation of those methods and processes to assign all their rights to their employer. Enclosed is a copy of such an Assignment and Agreement which calls for signatures by all appropriate persons, including yourself. Also enclosed is a separate set of signature pages for the Assignment and Agreement as well as the Combined Declaration and Power of Attorney for Patent Application. We would request that you execute the separate signature pages only and return them to me in the enclosed self-addressed, postage-prepaid envelope. Your signatures should be witnessed, where noted. If you would like for us to arrange for witnesses to your signature, we can do so. In addition, we would be happy to answer any questions you might have regarding the enclosed Assignment and Power of Attorney. You may reach me at home this weekend at 257-3837 or next week at the office at 263-7083.

Thank you very much for your assistance. We trust all is well with you. Please call me if you have questions.

Sincerely,

James M. Barkley
General Counsel

JMB\ba
encl.
8434



We covenant with said assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any encumbrance, and that we have full right to convey the same as herein expressed.

Signed at _____
(city, state)

this ____ day of _____, 2000.

Robert D. Covington

Signed in our presence and acknowledged to be an assignment of the application (invention) herein above referred to.

Witness _____

Date _____

Witness _____

Date _____

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SEP 19 2001

OFFICE OF PETITIONS

Signed at _____
(city, state)

this ____ day of _____, 2000.

Melanie A. Al-Shabkhoun

Signed in our presence and acknowledged to be an assignment of the application (invention) herein above referred to.

Witness _____

Date _____

Witness _____

Date _____



We request that all correspondence be directed to:

Mark V. Campagna
JONES, DAY, REAVIS & POGUE
77 West Wacker Drive
Chicago, Illinois 60601-1692

Please direct all telephone calls to Mark V. Campagna, (312) 269-1563.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Robert D. Covington**

Inventor's signature: _____ Date _____

Residence: 3312 West 34th Street
Indianapolis, Indiana 46222
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

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Full name of second inventor: **Melanie A. Al-Shabkhoun**

Inventor's signature: _____ Date _____

Residence: 7908 Westfield Boulevard
Indianapolis, Indiana 46240
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence



Attorney Docket No.: 635482.625.014

COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As below-named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

"Interactive In-Store/In-Mall and Online Shopping System and Method"

the specification of which:

(check one) ☐ is attached hereto

☒ was filed on November 2, 2000 as Application Serial No. 09/705,252.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendments referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed: None.

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Provisional Application Serial No. 60/163,904, Filed 11/05/1999

As named inventors, we hereby appoint: RONALD A. SANDLER, Reg. No. 23,066; RUSSELL L. McILWAIN, Reg. No. 28,641; H. DUANE SWITZER, Reg. No. 22,431; ALFRED E. HALL, Reg. No. 24,099; JAMES B. RADEN, Reg. No. 24,594; LESTER J. SAVIT, Reg. No. 30,523; SANDRA B. WEISS, Reg. No. 30,814; DAVID L. WITCOFF, Reg. No. 31,443; JOHN A. MARLOTT, Reg. No. 37,031; JOSEPH H. GOLANT, Reg. No. 24,210; MARC S. BLACKMAN, Reg. No. 43,501; MARK V. CAMPAGNA, Reg. No. 42,380; STACY A. BAIM, Reg. No. 44,534; and KRISTA S. SCHWARTZ, Reg. No. 42,134, who are with the firm of JONES, DAY, REAVIS & POGUE, as our attorneys, with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected herewith.



We request that all correspondence be directed to:

Mark V. Campagna
JONES, DAY, REAVIS & POGUE
77 West Wacker Drive
Chicago, Illinois 60601-1692

Please direct all telephone calls to Mark V. Campagna, (312) 269-1563.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Robert D. Covington**

Inventor's signature: _____ Date _____

Residence: 3312 West 34th Street
Indianapolis, Indiana 46222
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

Full name of second inventor: **Melanie A. Al-Shabkhoun**

Inventor's signature: _____ Date _____

Residence: 7908 Westfield Boulevard
Indianapolis, Indiana 46240
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

Full name of third inventor: **Andrew D. Carlson**

Inventor's signature: _____ Date _____

Residence: 1323 West Melrose Street
Chicago, Illinois 60657
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

Full name of fourth inventor: **Sandeep Chugani**

Inventor's signature: _____ Date _____

Residence: 7 Brown Court
Livingston, New Jersey 07039
U.S.A.

Citizenship: India

Post Office Address: same as residence

Full name of fifth inventor: **Drew Conrad**

Inventor's signature: _____ Date _____

Residence: 6858 Colonel Taylor Lane
Centreville, Virginia 20121
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

Full name of sixth inventor: **Paul M. D'Alessandro**

Inventor's signature: _____ Date _____

Residence: 808A Chestnut Street
Deerfield, Illinois 60015
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

Full name of seventh inventor: **John E. Khalil**

Inventor's signature: _____ Date _____

Residence: 601 1st Street, #9
Hermosa Beach, California 90254
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

Full name of eighth inventor: **Jason Kunesh**

Inventor's signature: _____ Date _____

Residence: 4422 North Seeley Avenue, #1
Chicago, Illinois 60625
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

Full name of ninth inventor: **Charles Brent Lohrmann**

Inventor's signature: _____ Date _____

Residence: 1787 Old Woods Court, N.E.
Ada, Michigan 49301
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

Full name of tenth inventor: **James C. Spira**

Inventor's signature: _____ Date _____

Residence: 16950 South Woodland
Shaker Heights, Ohio 44120
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

Full name of eleventh inventor: **John Sviokla**

Inventor's signature: _____ Date _____

Residence: 11 Willard Street
Newton, Massachusetts 02458-2230
U.S.A.

Citizenship: United States of America

Post Office Address: same as residence

Full name of twelfth inventor: **Darren S. Yaphe**

Inventor's signature: _____ Date _____

Residence: 1916 North Sheffield Avenue, #3F
Chicago, Illinois 60614
U.S.A.

Citizenship: Canada

Post Office Address: same as residence

ASSIGNMENT AND AGREEMENT

FOR VALUE RECEIVED, We, **Robert D. Covington, Melanie A. Al-Shabkhoun, Andrew D. Carlson, Drew Conrad, Paul M. D'Alessandro, John E. Khalil, Jason Kunesh, Charles Brent Lohrmann, James C. Spira, John Sviokla**, all citizens of The United States of America, **Sandeep Chugani**, a citizen of India, and **Darren S. Yaphe**, a citizen of Canada, hereby sell, assign and transfer to **Simon Property Group, L.P.**, a Delaware Limited Partnership, and having its principal place of business at National City Center, 115 West Washington, Indianapolis, Indiana 46204, as assignee, and its successors, assigns and legal representatives, the entire right, title and interest, for all countries in and to certain inventions relating to improvements in

Interactive In-Store/In-Mall and Online Shopping System and Method

described in an application for Letters Patent of the United States,

(check one) ☐ attached hereto.

☒ filed on November 2, 2000 as Application Serial No. 09/705,252

and all the rights and privileges under any and all Letters Patent that may be granted therefor.

We request that any and all patents for said inventions be issued to said assignee, its successors, assigns and legal representatives, or to such nominees as it may designate.

We agree that, when requested, we will, without charge to said assignee but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining patents for said inventions in any and all countries and for vesting title thereto in said assignee, its successors, assigns and legal representatives or nominees.

We authorize and empower the said assignee, its successors, assigns and legal representatives or nominees, to invoke and claim for any application for patent or other form of protection for said inventions filed by it or them, the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it, and to invoke and claim such right of priority without further written or oral authorization from me.

We hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any assignment, consent to file or like document which may be required in any country for any purpose and more particularly in proof of the right of the said assignee or nominee to claim the aforesaid benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it.

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- SEP 19 2001

OFFICE OF PETITIONS

We covenant with said assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any encumbrance, and that we have full right to convey the same as herein expressed.

Signed at _____
(city, state)

this ____ day of _____, 2000.

Robert D. Covington

Signed in our presence and acknowledged to be an assignment of the application (invention) herein above referred to.

Witness _____

Date _____

Witness _____

Date _____

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SEP 19 2001

OFFICE OF PETITIONS

Signed at _____
(city, state)

this ____ day of _____, 2000.

Melanie A. Al-Shabkhoun

Signed in our presence and acknowledged to be an assignment of the application (invention) herein above referred to.

Witness _____

Date _____

Witness _____

Date _____

Signed at _____
(city, state)

this ____ day of _____, 2000.

Andrew D. Carlson

Signed in our presence and acknowledged to be an assignment of the application
(invention) herein above referred to.

Witness _____ Date _____

Witness _____ Date _____

Signed at _____
(city, state)

this ____ day of _____, 2000.

Sandeep Chugani

Signed in our presence and acknowledged to be an assignment of the application
(invention) herein above referred to.

Witness _____ Date _____

Witness _____ Date _____

Signed at _____
(city, state)

this ____ day of _____, 2000.

Drew Conrad

Signed in our presence and acknowledged to be an assignment of the application
(invention) herein above referred to.

Witness _____ Date _____

Witness _____ Date _____

Signed at _____
(city, state)

this ____ day of _____, 2000.

Paul M. D'Alessandro

Signed in our presence and acknowledged to be an assignment of the application
(invention) herein above referred to.

Witness _____

Date _____

Witness _____

Date _____

Signed at _____
(city, state)

this ____ day of _____, 2000.

John E. Khalil

Signed in our presence and acknowledged to be an assignment of the application
(invention) herein above referred to.

Witness _____

Date _____

Witness _____

Date _____

Signed at _____
(city, state)

this ____ day of _____, 2000.

Jason Kunesh

Signed in our presence and acknowledged to be an assignment of the application
(invention) herein above referred to.

Witness _____

Date _____

Witness _____

Date _____

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OFFICE OF PETITIONS

Signed at _____
(city, state)

this ____ day of _____, 2000.

Charles Brent Lohrmann

Signed in our presence and acknowledged to be an assignment of the application
(invention) herein above referred to.

Witness _____ Date _____

Witness _____ Date _____

Signed at _____
(city, state)

this ____ day of _____, 2000.

James C. Spira

Signed in our presence and acknowledged to be an assignment of the application
(invention) herein above referred to.

Witness _____ Date _____

Witness _____ Date _____

Signed at _____
(city, state)

this ____ day of _____, 2000.

John Sviokla

Signed in our presence and acknowledged to be an assignment of the application
(invention) herein above referred to.

Witness _____ Date _____

Witness _____ Date _____

Signed at _____
(city, state)

this ____ day of _____, 2000.

Darren S. Yaphe

Signed in our presence and acknowledged to be an assignment of the application
(invention) herein above referred to.

Witness _____

Date _____

Witness _____

Date _____

FedEx USA Airbill

FedEx
Tracking
Number

824707605940

1 From Please print and press hard.Date 1/19/01 Sender's FedEx Account Number 0462-0427-1Sender's Name James M. Barkley, Esq. Phone (317) 636-1600Company SIMON PROPERTY GROUPAddress 115 W WASHINGTON ST STE 1465

Dept./Floor/Suite/Room

City INDIANAPOLIS State IN ZIP 46204**2 Your Internal Billing Reference**

3642162

3 To
Recipient's Name Melanie Al-Shabkhoun Phone (317) 506-0070

Company

Address 7908 MM Westfield Blvd.

To "HOLD" at FedEx location, print FedEx address.

We cannot deliver to P.O. boxes or P.O. ZIP codes.

City Indianapolis State IN ZIP 46240

Dept./Floor/Suite/Room

Peel and Stick FedEx USA Airbill

See back for application instructions.

Questions? Call 1-800-Go-FedEx® (800-463-3339)Visit our Web site at www.fedex.com

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0215

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Second business day**4b Express Freight Service**☐ FedEx 1Day Freight®
Next business day☐ FedEx
Next business day

* Call for Confirmation.

5 Packaging☒ FedEx Envelope/Letter* ☐ FedEx**6 Special Handling**☒ SATURDAY DeliveryAvailable for FedEx Priority
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to select ZIP codes☐ SUNDAY DeliveryAvailable for FedEx Priority
Overnight to select ZIP codes☐ HOLD Weekdayat FedEx Location
Not available with
FedEx First Overnight☐ HOLD Saturdayat FedEx Location
Available for FedEx Priority
Overnight and FedEx 2Day
to select locationsDoes this shipment contain dangerous goods?
One box must be checked.☒ No☐ YesAs per attached
Shipper's Declaration☐ YesShipper's Declaration
not required☐ Dry Ice

Dry Ice, 9, UN 1845

x kg

Dangerous Goods cannot be shipped in FedEx packaging.

☐ Cargo Aircraft Only**7 Payment Bill to:**☒ Sender
Acct. No. in Section
1 will be billed.☐ Recipient☐ Third Party☐ Credit Card☐ Cash/CheckFedEx Acct. No.
Credit Card No.Exp.
Date

Total Packages

Total Weight

Total Declared Value†

1

1

\$.00

†Our liability is limited to \$100 unless you declare a higher value. See back for details.

FedEx Use Only

8 Release Signature

Sign to authorize delivery without obtaining signature.

By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

402

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SIMON
PROPERTY GROUP

January 19, 2001

Via Federal Express - Saturday Delivery

Ms. Melanie Al-Shabkhoun
7908 Westfield Boulevard
Indianapolis, Indiana 46240

RE: Clixnmortar

Dear Melanie:

During your employ with SPG, you and others worked on products and processes which related to interactive in-store and in-mall shopping systems and methods. In order to protect the company's rights in those methods and processes, SPG filed in November of last year an application for Letters Patent of the United States.

As you may be aware, part of the process to obtain the patent calls for those individuals who were involved in the creation of those methods and processes to assign all their rights to their employer. Enclosed is a copy of such an Assignment and Agreement which calls for signatures by all appropriate persons, including yourself. Also enclosed is a separate set of signature pages for the Assignment and Agreement as well as the Combined Declaration and Power of Attorney for Patent Application. We would request that you execute the separate signature pages only and return them to me in the enclosed self-addressed, postage-prepaid envelope. Your signatures should be witnessed, where noted. If you would like for us to arrange for witnesses to your signature, we can do so. In addition, we would be happy to answer any questions you might have regarding the enclosed Assignment and Power of Attorney. You may reach me at home this weekend at 257-3837 or next week at the office at 263-7083.

Thank you very much for your assistance. We trust all is well with you. Please call me if you have questions.

Sincerely,

James M. Barkley
General Counsel

JMB\ba
encl.
8434

Ms. Melanie Al-Shabkhoun

January 19, 2001

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bcc: Mark V. Campagna
Jones, Day, Reavis & Pogue
77 West Wacker
Chicago, IL 60601-1692